

Chapter 94 BURNING, OPEN

§ 94-1. Definitions.

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[HISTORY: Adopted by the Borough Council of the Borough of Dallastown 10-27-2008 by Ord. No. 561, §§1–6. Amendments noted where applicable.]

GENERAL REFERENCES

Air pollution — See Ch. 70

§ 94-1. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

CONFINED BURNING—Any fire confined or contained in a 55-gallon or smaller fireproof receptacle constructed of metal, masonry or other nonflammable material capable of fully containing the fire and sparks from the material being burned therein, and equipped with a chimney style outlet or flue or top or cover so constructed as to prevent fly ash from escaping into the atmosphere.

GARBAGE—All table refuse, animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

OPEN BURNING—Any fire not confined or contained in a 55-gallon or smaller fireproof receptacle constructed of metal, masonry or other nonflammable material capable of fully containing the fire and sparks from the material being burned therein, and equipped with a top or cover so constructed as to prevent fly ash from escaping into the atmosphere.

PERSON—Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

RUBBISH AND TRASH—Solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood (except firewood in a confined burning), excelsior, paper (except paper used to ignite a confined burning), ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

§ 94-2. Confined burning.

Confined burning shall be permitted within the Borough of Dallastown so long as it is kept under competent and continuous supervision, and all fires and coals therefrom shall be thoroughly extinguished after the use of the confined burning has been completed; except that the following are prohibited:

A. No person, either directly or indirectly, shall ignite, kindle or maintain any confined burning

on any public street, highway, road or alley.

- B. No person shall conduct a confined burning of any items, at any time, for the purpose of disposal, that may be accommodated through services provided by the Borough or a designee including, but not limited to, household garbage, rubbish and trash and, large item pickup and recyclables.
- C. No person shall conduct a confined burning consisting of construction residue, demolition waste, plastics, by-products of manufacturing and processing operations, tires, tubes, tar, waste oil, roofing materials, batteries, automobile parts, hazardous materials (pesticides, propane tanks, etc.), waste from commercial operations and any other substances which may emit noxious odors.

§ 94-3. Open burning.

Open burning is hereby strictly prohibited in the Borough of Dallastown. No person, either directly or indirectly, shall ignite, kindle or maintain any open burning or permit any open burning to be ignited, kindled or maintained anywhere within the Borough of Dallastown.

§ 94-4. Fire company may extinguish.

The Dallastown Rescue Fire Company No. 1, or its successor, and the fire company dispatched from York County Control pursuant to its dispatch protocol are hereby authorized to extinguish any open burning and any confined burning within the Borough of Dallastown when the Fire Chief or, in the Chief's absence, the highest acting officer of the responding fire company deems that conditions warrant such action.

§ 94-5. Enforcement.

The enforcement of this chapter shall be the responsibility of the police department authorized by the Borough to provide police service to the Borough, and the acting Fire Chief, the Mayor of Dallastown and the Dallastown Code Enforcement Officer, each of whom shall have the power to act on his or her own.

§ 94-6. Penalty.

Any person who shall violate the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$600 together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days.